

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7894 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes.
2. To be referred to the Reporter or not? Yes.
3. Whether Their Lordships wish to see the fair copy of the judgement? No. @@ t  
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4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No.

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VARSHABEN A PATEL

Versus

DISTRICT PRIMARY EDUCATION OFFICER

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Appearance:

MR KM SHETH for Petitioner

MR KH BAXI for Respondents.

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 20/12/96

ORAL JUDGEMENT

Rule. Mr.Baxi waives service of the Rule for respondents.

The only grievance which has been raised by the petitioner in this case is that, at the time when the selections were held for the post of primary teachers under the District Education Committee of Bhavnagar, the petitioner's application for revaluation of her marks was pending. As a result of the revaluation of her marks which was conveyed subsequently to her on 27.10.1994, her marks were increased by six and all that petitioner wants is that, in the selections which were held for the post of primary teachers under District Education Committee, Bhavnagar, her merit should be considered on the basis of the result of revaluation i.e. six marks more. The petitioner approached the District Primary Education Committee, Bhavnagar for benefit of six marks and from the office of the Deputy Minister of Education (Technical Education) a letter dated 10.6.1996 was sent to the respondent No.1 in this regard. The respondent No.1 sent reply dated 31.8.1996 mentioning therein that at the time when the applications were received and processed, the marks as per marksheet were feeded in the computer and on that basis the selections were held and therefore the benefit of the revised marks as per the result of revaluation cannot be given to the petitioner.

It is therefore clear that it was beyond the control and comprehension of the petitioner to have obtained result of her revaluation at the time when the selections were held. The result of her revaluation unfortunately for her came later on. In any case, the factum of the increase of her marks and result of her revaluation is not disputed but the learned counsel for the respondents has submitted that selections were held by the District Primary Teachers Recruitment Selection Committee, Bhavnagar and the petitioner should therefore approach the said committee, if at all she wants to take advantage of marks as a result of her revaluation. The learned counsel for the petitioner has submitted that he is prepared to do so.

Accordingly, it is directed that should the petitioner approach the District Primary Teachers

Recruitment Selection Committee of Bhavnagar through respondent No.1 i.e. District Primary Education Officer, District Education Committee, the District Primary Education Officer shall refer the matter with appropriate remarks on the representation of the petitioner to the District Primary Teachers Recruitment Selection Committee of Bhavnagar and thereupon the District Primary Recruitment Selection Committee, Bhavnagar would consider the petitioner's representation so as to give the benefit of increase in her marks as a result of revaluation. In case, it is found that the petitioner gets selected after adding such marks as obtained by her, on the basis of revaluation, the committee shall interpose the petitioner's name at an appropriate place in the selection list as per her merit and appropriate orders shall be issued accordingly. It is further made it clear that in case the petitioner does not get place in the select list even after getting the benefit of marks of revaluation, it will not be obligatory for the committee to include the petitioner's name in the select list. The appropriate orders in this regard either way with regard to inclusion or with regard to selection or non-selection of the petitioner after giving benefit of the marks after adding the marks as per revaluation shall be issued by the committee within a period of one month from the date the petitioner's representation is received by the committee through the District Primary Education Officer, Bhavnagar. This Special Civil Application is accordingly allowed. Rule is made absolute in the terms as aforesaid. No order as to costs.

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